



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**ATTORNEY DOCKET NO. 065691-0352**

Applicant: Dale R. BURNS et al.  
Title: CYTOPLASMIC MALE STERILITY SYSTEM PRODUCING  
CANOLA HYBRIDS  
Appl. No.: 10/798,840  
Filing Date: 03/12/2004  
Examiner: Unassigned  
Art Unit: 1638

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith on Form PTO/SB/08 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/850,582, filed May 7, 2001. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

The relevance of the documents is explained in the parent application.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

July 28, 2004

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Stephen B. Maebius

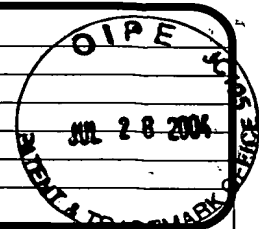
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| Substitute for form 1449B/PTO<br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>Date Submitted: July 28, 2004<br><i>(use as many sheets as necessary)</i> |  |  |  | <b>Complete if Known</b> |                      |
|  |  |  |  | Application Number       | 10/798,840           |
|  |  |  |  | Filing Date              | 03/12/2004           |
|  |  |  |  | First Named Inventor     | DALE R. BURNS et al. |
|  |  |  |  | Group Art Unit           | 1638                 |
|  |  |  |  | Examiner Name            | Unassigned           |
| Sheet <u>1</u> of <u>1</u>   |  |  |  | Attorney Docket Number   | 065691-0352          |



### U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|---|---|
|                    |                       | Number               | Kind Code <sup>2</sup> (if known) |   |   |   |
|                    | A1                    | 5,973,233            |                                   | BURNS ET AL.                                    | 10/1999   |   |
|                    | A2                    | 5,644,066            |                                   | SKAI ET AL.                                     | 07/1997   |   |
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### FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                   | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------|---------------------|-----------------------------------|--|---|---|----------------|
|                    |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |  |   |   |                |
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### NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.         | T <sup>6</sup> |
|--------------------|-----------------------|--|----------------|
|                    | A4                    | DELOURME et al., "Breeding Double Low Restorer Lines in Radish Cytoplasmic Male Sterility of Rapessed (Brassica Napus L.)," Hybrid Technology, Vol. 2, 1995, pp. 6-8.  |                |
|                    | A5                    | MAGRATH et al., "The Inheritance of Aliphatic Glucosinolates in Brassica Napus," Plant Breeding, Paul Parey Scientific Publishers, Vol. 111, No. 1, 1993, pp. 55-72.   |                |
|                    | A6                    | TOROSER et al., "RFLP Mapping of Quantitative Trait Loci Controlling Seed Aliphaticglucosinolate Content in Oilseed Rape (Brassica Napus L.)," Theor Appl. Genet, Springer-Verlag, Vol. 91, 1995, pp. 802-808.   |                |
|                    | A7                    | VISENTIN et al., "Isolation and Identification of Trans-4-(Methylthio)-3-Butenyl Glucosinolate From Radish Roots (Raphanus Sativus L.)," J. Agric. Food Chem., American Chemical Society, Vol. 40, 1992, pp. 1687-1691.  |                |
|                    | A8                    | R. J. MAILER et al., "Field Studies of Moisture Availability Effects on Glucosinolate and Oil Concentration in The Seed of Rape, (Brassica Napus L.) And Turnip Rape (Brassica Napa L. Var. Silvestris (Lam) Briggs)," Can. J. Plant Sci., Vol. 70, 1990, pp. 399-407. |                |
|                    | A9                    | DELOURME et al., "Identification of RAPD Makers Linked to A Fertility Restorer Gene For The Ogura Radish Cytoplasmic Male Sterility of Rapessed (Brassica Napus L.)," Theor Appl. Genet, Springer-Verlag, Vol. 88, 1994, pp. 741-748.                                  |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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